

## Agricultural Marketing Service, USDA

## § 984.13

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AUTHORITY: 7 U.S.C. 601-674.

### Subpart—Order Regulating Handling

SOURCE: 27 FR 9094, Sept. 13, 1962, unless otherwise noted.

### DEFINITIONS

#### § 984.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

#### § 984.2 Act.

*Act* means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

#### § 984.3 Person.

*Person* means an individual, partnership, corporation, association, or any other business unit.

#### § 984.4 Area of production.

*Area of production* means the State of California.

[41 FR 31542, July 29, 1976]

#### § 984.5 Grower.

*Grower* is synonymous with *producer* and means any person engaged in a proprietary capacity in the commercial production of walnuts.

#### § 984.6 Board.

*Board* means the Walnut Marketing Board established pursuant to § 934.35.

[39 FR 35328, Oct. 1, 1974]

#### § 984.7 Marketing year.

*Marketing year* means the twelve months from August 1 to the following July 31, both inclusive.

#### § 984.8 Walnuts.

*Walnuts* means only walnuts of the “English” (*Juglans regia*) varieties grown in California.

[41 FR 31542, July 29, 1976]

#### § 984.9 Inshell walnuts.

*Inshell walnuts* means walnuts the kernels of which are contained in the shell.

#### § 984.10 Shelled walnuts.

*Shelled walnuts* means walnut kernels after the shells are removed.

#### § 984.11 Merchantable walnuts.

(a) *Inshell. Merchantable inshell walnuts* means all inshell walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

(b) *Shelled. Merchantable shelled walnuts* means all shelled walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

[27 FR 9094, Sept. 13, 1962, as amended at 39 FR 35328, Oct. 1, 1974]

#### § 984.12 Substandard walnuts.

*Substandard walnuts* means all walnuts (whether inshell or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

#### § 984.13 To handle.

*To handle* means to sell, consign, transport, or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term “to handle” shall not include

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sales and deliveries within the area of production by growers to handlers.

[39 FR 35328, Oct. 1, 1974, as amended at 41 FR 31542, July 29, 1976]

### § 984.14 Handler.

*Handler* means any person who handles inshell or shelled walnuts, categorized as either:

(a) *Cooperative handler* meaning any handler who is a cooperative marketing association of growers; or

(b) *Independent handler* meaning any handler who is not a cooperative marketing association of growers.

[39 FR 35328, Oct. 1, 1974]

### § 984.15 Pack.

*Pack* means to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts.

[39 FR 35328, Oct. 1, 1974]

### § 984.19 Manufacturer.

*Manufacturer* means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products, except walnut oil.

### § 984.20 Kernelweight.

*Kernelweight* means the determined weight of the kernels in a quantity of walnuts regardless of their quality.

[39 FR 35328, Oct. 1, 1974]

### § 984.21 Handler carryover.

*Handler carryover* as of any date means all the merchantable walnuts (except those held in satisfaction of a reserve obligation) wherever located, then held by a handler or for his account (whether or not sold), plus (a) the estimated quantity of merchantable inshell walnuts in lots then held by that handler for packing as merchantable inshell walnuts, and (b) the estimated quantity of merchantable shelled walnuts to be produced from shelling stock and unsorted material then held by that handler.

[39 FR 35328, Oct. 1, 1974, as amended at 41 FR 31542, July 29, 1976]

### § 984.22 Trade demand.

(a) *Inshell*. The quantity of merchantable inshell walnuts which the trade will acquire from all handlers during a

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marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(b) *Shelled*. The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

[27 FR 9094, Sept. 13, 1962, as amended at 39 FR 35328, Oct. 1, 1974]

### § 984.23 Free walnuts.

*Free walnuts* means walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

[39 FR 35328, Oct. 1, 1974]

### § 984.26 Reserve walnuts.

*Reserve walnuts* means those walnuts which are held to meet a reserve obligation.

[41 FR 31542, July 29, 1976]

### § 984.31 Part and subpart.

*Part* means the order regulating the handling of walnuts grown in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California shall be a *subpart* of such part.

[41 FR 31542, July 29, 1976]

### § 984.32 To certify.

*To certify* means the issuance of a certification of inspection of walnuts by the inspection service.

[41 FR 31542, July 29, 1976]

### § 984.33 Hold.

*Hold* means to maintain possession or keep control of, in proper storage at all times, the kernelweight of certified merchantable walnuts necessary to meet a reserve obligation.

[41 FR 31542, July 29, 1976]

## ADMINISTRATIVE BODY

### § 984.35 Walnut Marketing Board.

(a) A Walnut Marketing Board is hereby established consisting of 10 members selected by the Secretary, each of whom shall have an alternate